

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

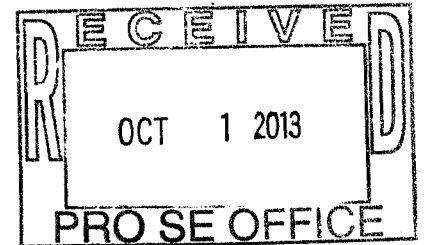
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JACQUELINE WADE,

**PLAINTIFF'S COUNTER-
STATEMENT OF MATERIAL
FACTS TO DEFENDANTS'
RULE 56.1 STATEMENT**

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION
And THE CITY OF NEW YORK,

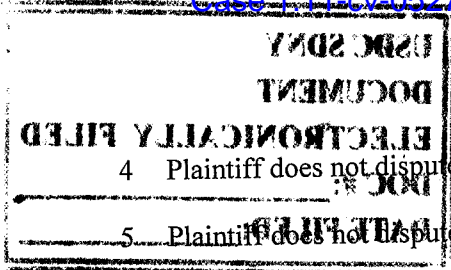


11 Civ 5278 (LGS)

Defendants.
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Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff JACQUELINE WADE submits herewith his counterstatement of material facts:

- 1 Plaintiff refers to the Complaint for a full and accurate description of Plaintiff's claim with respect to paragraph 1.
- 2 Plaintiff refers to the Complaint for a full and accurate description of Plaintiff's claim with respect to paragraph 2.
- 3 Plaintiff does not dispute paragraph 1. However, Defendant fails to mention that Plaintiff was also discontinued from position unfairly without due process.



4 Plaintiff does not dispute paragraph 4.

5 Plaintiff does not dispute paragraph 5.

6 See Exhibit.

7 Plaintiff objects to false information and refers to the deposition transcript for a full and accurate description with respect to paragraph 7.

8 Plaintiff does not dispute paragraph 5. However, Defense Attorney leaves other information out. Please read Plaintiff's deposition.

9 Plaintiff refers to **Exhibit 1 (EEOC 0080-EEOC0081)** , **Exhibit 2**, and **Exhibit 3**, the deposition transcript for a full and accurate description with respect to paragraph 9. Ex 18

10 Plaintiff refers to **Exhibit 1 (EEOC 0080-EEOC0081)** , **Exhibit 2**, and **Exhibit 3** and the deposition transcript for a full and accurate description with respect to paragraph 10.

11 Plaintiff objects because Defense has not given correct information. Plaintiff who was a cancer Patient at Sloan Kettering had a difficult time receiving her health benefits thorough her Principal. Please refer to **Exhibit 1** for a full and accurate description with respect to paragraph 11.

12 Plaintiff objects because information is missing from paragraph 12. Please refer to the deposition transcript for a full and accurate description with respect to paragraph 12. (page

13 Plaintiff objects because Defense's statement is untrue in paragraph 13. Plaintiff never did what Defense accuses Plaintiff of. Go to **Exhibit 4** Please refer to the deposition transcript for a full and accurate description with respect to paragraph 13. (page

14 Plaintiff objects to the slanted untrue characterization and refers to **Exhibit 4** that refers to the event, the counseling memo, teacher's contract Article Twenty one- Due process – Counseling Memo. Plaintiff objects to the slanted characterization and refers to the deposition transcript for a full and accurate description with respect to paragraph 14.

15 Plaintiff objects to the slanted characterization. Exhibit E which Defense Attorney has included is the OSI report which Plaintiff received a year and a half while waiting in a reassignment center

Exhibit (E)

in Flushing, Queens. April 6, 2009, ⁶ is not the letter Plaintiff left for Ms. Karleen Comrie, Assistant Principal on Friday, January 11, 2009 in her mail box. See Exhibit 5, the letter Plaintiff wrote to Ms. Comrie about the events of Friday, January 11, 2009 in class 808. The OSI report that the Defense has given in her Exhibit E is not the document Plaintiff sent Ms. Comrie.

²⁰⁰⁸ On February 5, Plaintiff was sent to a reassignment center after being away at jury duty and out sick, see Exhibit 6. When Plaintiff came back from jury duty on February 5, 2008, she was told that there were charges against her. Plaintiff did not understand what was going on. This was the first time she was informed of this. It was not explained what the details of the charges were. Plaintiff was removed from the school I.S. 109 that same day. Plaintiff sat in a Queens Reassignment Center (called Rubber Rooms) from February 5, 2008 to May 27, 2009, for a year and half until Plaintiff was informed that she was simply being discontinued. Plaintiff had no prior criminal record, no prior allegations against her, no prior unsatisfactory ratings, and despite having done outstanding work as a drama teacher. Exhibit 7 Ratings. DOE has her personal file so her other satisfactory ratings are with them for the four years she taught at other schools before coming to I.S. 109. Plaintiff also has an extensive theatre background with educational theatre and professional theatre. See Exhibit 8. The school has kept her props, costumes, books, small set pieces that she paid for so that the student could have an enrich theatre program. Yet, Plaintiff was treated like a criminal and did not understand the nature of what was going on and the allegations of Verbal Abuse/Corporal Punishment. Plaintiff received no due process. She found out on April 6, 2009 the details of the false charges brought against her at a meeting with her Principal and a union representative. This was not a hearing. Plaintiff had been cursed out while trying to give an exam. Class 808 on January 11, 2009. Class 808 had been very difficult class for Plaintiff. See Exhibit 9 Lenon Murray (pages EEOC 0340 through EEOC0342) Plaintiff was never given help with this difficult class even though she requested it. She later did not receive due process in this matter. On April 6, 2009, she was only given part of the OSI report. The section was OS1001 through OS1010 as part of the investigation, see Exhibit 10.

In Exhibit ¹⁰ 0s11039 Through OS1052 Read Plaintiff 's rebuttal to OSI report See Exhibit 11. Plaintiff was finally given letters from the investigation from students in class 808 in February 2013 in the discovery process after repeatedly requesting them and being denied. This goes against procedural policy to receive the witness letters so late.. See Exhibit 11. A-421 (VIII). Plaintiff never got a chance to view witness statements at the time and to question them which is standard. Plaintiff is given nothing. Plaintiff does not even know who the accusers are because the names are crossed out. It is not really clear how and when the investigation occurred. Plaintiff does not even know if the students spoke to each other before being interviewed which is against procedure.

16 Plaintiff is not clear how the investigation occurred or who told who to investigate it. Plaintiff knows that procedure was not followed in her case

17 Plaintiff is not aware of what actually happened during the investigation and which student made which statements. Names have been crossed out in black marker. Plaintiff never got a chance to question the accusers or received any kind of due process in this matter. Nor did Plaintiff know or understand what she was allegedly being accused of. Plaintiff does not curse. That is something she does not do and it is out of character for Plaintiff. Plaintiff did not make any kind of inappropriate comments to students. In Exhibit 10, one of the statements that was mentioned was, that Plaintiff called a student a bum and said she has five houses. That is something Plaintiff would never say. Plaintiff also owns no homes or property. As far as shaking her breast, that is something Plaintiff would never do. Plaintiff also had a mastectomy from breast cancer which makes it impossible to physically shake. See Exhibit 13 for letter from Sloan Kettering. See Exhibit 11 for Rebuttal.

18 Plaintiff objects to the slanted characterization. Plaintiff did not coheres any student and say any of the things that were said. . Please look at rebuttal. See exhibit 11, rebuttal and Exhibit 9, EEOC0340 through EEOC0342 *

- 19 Plaintiff objects to the slanted characterization. Plaintiff did not do any of what she is accused of doing. Plaintiff tried to give an exam to the Class 808 and got cursed out. See and Exhibit 11 rebuttal. Please read the rebuttal to see the inconsistency. *See Exhibit 11 EEOC0085 - to - EEOC0091*
- 20 Plaintiff objects to the slanted characterization because plaintiff was away at Jury Duty and came back February 5, 2013. See Exhibit ~~11~~ there when these events occurred. She was away on jury duty. Plaintiff returned to the school on February 5, 2008 and was told to report to a reassignment center. For details, please read deposition transcript for a full and accurate description with respect to paragraph 20.
- 21 Plaintiff objects. Plaintiff was sick that day. Plaintiff did not return to school till February 5, 2008 from Jury Duty. See Exhibit 6 . .
- 22 *Plaintiff objects to the slanted characterization. On February 5, 2009, Plaintiff received a copy of a one page OSI sheet. However, there were no clear details what the circumstances were behind the investigation and what this all meant. It only mentioned verbal abuse and corporal punishment. Plaintiff did not know what this was about. See Exhibit 6 (EEOC0340 through EEOC0342) When she asked, she was told they could not say anything. It was now out of their hands. Plaintiff did not sign any document because she did not understand what this was all about. When she arrived at I.S. 109 in the morning plaintiff did get a notice that she would be going to a reassignment center. . But it was not explained to Plaintiff what it was and how long she would be there and what the process was. never received a notice for January 31, 2008 and February 2, 2008 notices of the OSI investigation. She did receive notice of her transfer to Reassignment Center. *that day* For detail information, please read deposition transcript. *Ex 6A (Ruben Room)*
- 23 Plaintiff objects to the slanted characterization. Plaintiff received pay but did not receive after school pay. *She lost her job at Queens Theater in the Park because it*
See Exhibit 14.
- 24 Plaintiff objects to the slanted characterization. The way it written in the OSI report , is not how it actually occurred. Please see Exhibit ~~8~~ (EEOC0340 through EEOC0342.) Please also read

- Exhibit 3, EEOC0076 through EEOC0084. I also was not there when questions were being asked by witnesses, I was on Jury Duty. For detail information, please read deposition transcript.
- 25 Plaintiff objects to the slanted characterization. Plaintiff was not there when any of this occurred if it actually occurred the way they said it did .
- 26 *Plaintiff objects to the slanted characterization. Plaintiff would never say these things. Plaintiff has always been about encouraging youth. See Exhibit 8 with productions and theatre project> Plaintiff has worked on. Defense fails to mention that student A and student B are best friends as they call themselves. Please read rebuttal Exhibit 11 with OS I and witness statements Exhibit 10 Plaintiff objects to the slanted untrue characterization. Plaintiff was not there when OSI investigation occurred. Plaintiff is not clear who the students are by the way they are listed. Plaintiff did not say any of the things OSI claims she said. For detail information, please read deposition transcript.
- 27 Plaintiff objects to the untrue statement. Plaintiff was not there when OSI investigation occurred.
- 28 Plaintiff objects to the untrue statement. See Exhibit 11 Rebuttal Student A and B are best friends. This is something Plaintiff never said.
- 29 Plaintiff objects to the untrue statement. Plaintiff never cursed. Plaintiff does not even know who the students are from the way they have been identified. This goes against the investigative process of DOE knowing your accuser. See Exhibit 12 rebuttal of production of documents. For other detailed information, please read deposition transcript. *The Plaintiff had no due process.*
- 30 Plaintiff objects to the untrue statement. Plaintiff never said such statements. See Exhibit Rebuttal 11.
- 31 This something Plaintiff can not do and would never do. She had a mastectomy. Plaintiff does not even know who the students are from the way they have been identified. This goes against the investigative process of DOE knowing your accuser.
- 32 Plaintiff was interviewed by Investigator Smalls at 65 Court Street. He asked Plaintiff a lot of questions. The investigator did not explain the situation. He just asked questions. Plaintiff

never shook her breast. Plaintiff had a mastectomy. The action is something she would never do. For other detailed information, please read deposition transcript and for fuller description with respect to paragraph 31. See Exhibit 1

33 Plaintiff objects to the slanted characterization. Plaintiff never did the things the defense is accusing her of. It is not in her character. It is something she would never do. See Exhibit 8

34 Plaintiff never cohered any student. Plaintiff was trying to give a drama exam to a difficult class who told her on more than one occasion they would get her fired. They were very angry that a few of their classmates had gotten superintendent suspensions for disrespectful behavior. It is not clear at all how anything was substantiated when Plaintiff does not even know the identity of the accusers. Plaintiff tried to give an exam and got cursed out. See Exhibit 9

35 Plaintiff objects because she was not guilty of what she was accused of doing and she did not find out till ~~May~~ April 6, 2009. For other detailed information, please read deposition transcript for a full description with respect to paragraph 34.

36 Plaintiff objects to the slanted characterization. Plaintiff met with Principal Pate with her union representative on April 6, 2009. Plaintiff had no due process. For other detailed information, please read deposition transcript with respect to paragraph 34.

37 Plaintiff objects to the slanted characterization. Plaintiff received a Unsatisfactory rating from Principal Pate Alexander on April 23 with no due process. Plaintiff received her first unsatisfactory rating as a teacher. For other detailed information, please read deposition transcript with respect to paragraph 34.

38 Principal Pate took Plaintiff's career away from her with no due process. This is the kind of thing that happen before. Exhibit 15. 2008/09 she explained to Pate she had doctor appointments see exhibits 15
 → to other teachers, (colder, or illness). Plaintiff was out

39 Plaintiff never received 30 days notice from Superintendent Lenon Murray that is why in October Plaintiff was paid a small settlement because she was not given her back pay and was discontinued without 30 days notice. See exhibit 17 This is what the first article 78 was about.

40 On the close of May 27, 2009 that is when I found out I was terminated. Now ~~due~~ process. See exhibit 18 ^(pages 25-27 and exhibit 9) and please read deposition transcript and for a fuller description with respect to paragraph ~~38~~ ⁴⁰.

41 Plaintiff read Exhibit ¹⁹ for details. I ~~was paid a settlement because this was handled incorrectly.~~
See 17 ~~For other detailed information, please read deposition transcript and for a full and accurate description with respect to paragraph 34.~~

42 Please read details in Exhibit 19. For other detailed information, please read deposition transcript.

Allegations Related to Plaintiff's Time at the Queens Reassignment Center

43 Please read exhibit 19 Plaintiff objects to the slanted characterization.

44 Please read exhibit 19.

45 Please read exhibit 19. No one in the reassignment center likes someone who is a snitch.

That was what I was up against. Most people are in for charges. They don't want to add more charges onto their situation or get someone else in trouble. Plaintiff objects to the slanted characterization.

46 Plaintiff was not in the room when people were being ^{questioned} ~~investigated~~. The OEO also works for the Board of Education.

47 Plaintiff was notified but made an appeal. See exhibit 19

48 Read Exhibit 19. There were witnesses. I was organizing activities for both floors. I was given permission to do this. See exhibit. 19. Lorraine Ward threatened me. I reported it. I can not get her information, it is confidential.

49 Read Exhibit 19 /

50 Read Exhibit 19
19

51 Read Exhibit. Lorraine Ward was very hostile towards Plaintiff. Other observed this.

52 See Plaintiff medical information see exhibit 20. I sent my medical information in.

53 Plaintiff provide the medical information that was requested. Yet Plaintiff was denied a special seat. See exhibit. 20. Plaintiff did.

54 Plaintiff got in touch with the DOE

55 See exhibit 20 Plaintiff was denied even though she presented medical information

56 See exhibit 20

57 See exhibit 20

58 See exhibit 20

59 See exhibit 20

60 See Exhibit 17 The settlement was ~~some~~ summer pay that was owed to me along with one month pay. (Because they did not give me 30 days notice.

61 See Exhibit Defense Attorney was confusing.

62 She discriminated against me because her job told her to do so.

63 See Exhibit It was that I was treated - (more classes than other teachers. Rashed for help didn't get it.

64 See Exhibit Targeted & other things

65 Plaintiff objects to the slanted characterization. I was notified of the finding but I don't know how true or accurate the information was from OEO which is part of the Board of Education. For other detailed information, please read deposition transcript and for a full and accurate description with respect to paragraph 47.

66 Plaintiff objects to the slanted characterization. Principal Pate Alexander hostility was directed

Ext 15

at Plaintiff, Anne Serby who was disable because of cancer and over 40, Sharon Maceeno who was legally blind. Gloria Brown who was over 40 and Plaintiff who had been a cancer patient.

For other detailed information, please read deposition transcript 42-1-48-8t for affidavits. Plaintiff is waiting

67 Plaintiff objects to the slanted characterization about Dean William' motivation. For other detailed information, please read deposition transcript pages 71-6-76--9

68 Plaintiff objects to the slanted characterization about Dean William' due to Plaintiff's cancer. For other detailed information, please read deposition transcript pages 71-6-76--9

69 Plaintiff objects to the slanted characterization. For other detailed information, about Dean Williams please read deposition transcript pages 71-6-76--9

70 Plaintiff objects to the slanted characterization. For other detailed information about AP ~~Comrie~~ *Dean Williams*
~~knowing about cancer~~, please read deposition transcript pages 73-6-76--9, *I'm not sure why she did it, but she did.*

71 Plaintiff objects to the slanted characterization. For other detailed information about AP Comrie knowing about cancer, please read deposition transcript pages 73-6-76--9 *Plaintiff does remember telling Comrie. They talked about it.*

72 Yes it was settled, for summer pay and last two weeks of employment the Board of education tried to cheat me out of.

73 Plaintiff felt Defense Attorney was not being clear.

74 See exhibit ____

75 See exhibit and transcript.

76 Everything they did was in action. See exhibit

77 See exhibit *That was my reasons -- (I got wrongful termination/retaliation)* *That's not true. She is very hard on women color etc. discrimination against.*

78 See exhibit, See the school exhibit school was in turmoil. The Principal single anyone out who she thought would be a liability. They were people with Cancer like myself and Ms Serby, Or *Ex 31* *The DOE refused to give the information to me when requested during*
 she did not let Sharon Maceen teach for the longest time because she is blind. *discuss*

79 Dean William twisted the facts. See exhibit

80 Plaintiff objects to the slanted characterization. I complained about the woman in Nov 2008 and *The things Defense mention played a small part the large was covered pre-existing disability*

throughout my stay concerning the woman's actions towards me including January 20, 2009 I was notified of the finding but I don't know how true or accurate the information was from OEO which is part of the Board of Education. For other detailed information, please read deposition transcript and ~~_____~~ for a full and accurate description with respect to paragraph 19

81 Plaintiff objects to the slanted characterization. I complained about the woman in Nov 2008 and throughout my stay concerning the woman's actions towards me including January 20, For other

detailed information, please read deposition transcript and ~~_____~~ for a full and accurate description with respect to paragraph ~~48~~.

82 Plaintiff objects to the slanted characterization. I ~~complained~~ ^{Tenured teachers are treated better however one teacher does not think so Ex 15} about the woman in Nov 2008 and throughout my stay concerning the woman's actions towards me including January 20. For other detailed information, please read deposition transcript and ~~_____~~ for a full and accurate description with respect to paragraph

83 Plaintiff objects to the slanted characterization. For other detailed information, please read deposition transcript..-

84 Plaintiff objects to the slanted characterization. For other detailed information, please read deposition transcript and ~~_____~~ for a full and accurate description with respect to paragraph ~~84~~ ^{It was a Bad environment - 21 Ex} ~~_____~~ ^{yes plaintiff was given more} 85 Plaintiff objects to the slanted characterization. For other detailed information, please read deposition transcript. ~~That was one of the reasons.~~

86 Plaintiff objects to the slanted characterization. For other detailed information, please read deposition transcript (That is incorrect) It had more to do with if they were sick or disabled.

87 For other detailed information, please read deposition. Ex 21 and Ex 15 and Ex was attached at the school

88 For other detailed information please read deposition. Ex 22

89 For other detailed information, please read deposition.

90 Plaintiff refers to exhibit and deposition. Ex 15 from Presigned teacher showed how reactive

91 Plaintiff refers to exhibit 23

92 Exhibit 23 Yes she said & the people got pissed were those with cancer / blind / over

93 Exhibit 24 I believe I was written up for going to the Doctor.

Ex 15

She Framed me.

Proschool was very hostile environment. The Presigned target people who had illnesses, she perceived as being disabled or over 40. These people - (myself feared) Ms Serby, Ex 25 MacLean.

Ms Kate Alexander was also 25 years old. feared- I was retaliated & wrongfully fired- I did nothing wrong

(Turn Over)

When I complained about behavior problems, the Principal knew about it, and did nothing.

This included 2 students Ex _____
 Punatory. (Punatory much more
 who was having behavior problem)
~~the~~ The School I.S. 109, still
 has all of my things.

(Costs, props set pieces
 books + papers) The
 school has refused to release
 my things.

I was a wonderful drama teacher
 who was dedicated to my

Students. I was treated in a
 most horrible, disrespectful
 degrading way at I.S. 109
 by the Principal, Pomrue,

Dean Williams. I did not
 deserve it. (I gave a lot of my
 time and energy to the school &
 the students) I never received

a U rating before going to I.S. 109.
 There are a lot of problems there.

When I asked
 for help, I
 didn't get it.
 It was a horrible
 situation.

I was wrongfully terminated and received ~~WDO~~
 Due Process. None

When I wanted to get production
of documents for discovery, I
got very little what I asked
for.

If possible, I am still waiting
for affidavits

This entire situation has been
very hard on me + my entire
family. It ~~has~~ really been
a horrible. I should
never have been terminated
and put into a Reassignment
Center. I Lost my job.
I Lost everything.
I'm back in Graduate School
trying to put my life back
together.

JACQUELINE WADE RESPONSE AGAINST SUMMARY JUDGEMENT II CIV 5278
(LGS)

EXHIBIT

- Ex 1 EROC / Ex 1
- Ex 2 memo to Mia Theresa Pater-Alexander
- Ex 3 + insurance forms
- Ex 4 Counseling memo
- Ex 5 Jan 11, 2008 letter
- Ex 6 Jury duty + doctor note
- Ex 6A - Rubber Room
- Ex 7 2 Satisfactory Ratings (missing 2)
- Ex 8 Theatre Performances
- Ex 9 Letter to Lenon Murray, Superintendent
- Ex 10 OSI
- Ex 11 Rebuttals
- Ex 12 A-421 / VIII
- Ex 13 Sloan Ketterin (mastectomy)
- Ex 14 Letter from CASA Kevin R Free
- Ex 15 Letter from Ann Sorby EROC / Celestine Nwure
- Ex 16 Teachers from I.S. 109
- Ex 17 Doctors visits 2008/2009
- Ex 18 Pay out from Article 78
- Ex 19 Article 78
- Ex 19 CEO
- (turn over) Ex 20 Doctors note for Charles / medical
- Ex 21 News about I.S. 109 + Principal / School

Ex 22 Write up of 2 Students

Ex 23 Grievances

Ex 24 Article about Principals

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From

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163 East 104th St, 4E
NY 10029